

MINUTES
BOARD OF ADJUSTMENT
MAY 7, 2015

ROLL CALL-

Rick Bliss	Louis Clayton, Planner
Mel Disney	Kathy Scott, Planning Technician
Mary DeBenedetti	Ken Heinz, Acting City Attorney
Liza Streett (arrived at 5:20)	
Chairman Gary Soule	

Approval of the minutes of the March 5, 2015 minutes was tabled.

AN APPEAL SUBMITTED BY DEAN AND MARTHA BRADLEY FOR THE PROPERTY
AT 30 BROADVIEW

Chairman Soule confirmed that the applicants were in attendance. He informed the applicants that they can proceed with only 4 members in attendance if they wish to do so.

Mr. Bradley asked what happens if there is a no vote.

Chairman Soule informed Mr. Bradley that although four members constitute a quorum, if they proceed to a vote and there is one vote to deny the variance, the variance request would not be approved and they could not come back with the same or similar variance request for one year.

Acting City Attorney Ken Heinz confirmed.

5:20 P.M. Liza Streett arrived. She apologized for being late.

All individuals wishing to speak were sworn-in by the recording secretary.

Chairman Soule asked if the City had any exhibits they wish to enter into the record.

Acting City Attorney Ken Heinz presented the following exhibits and asked that they be entered into the record:

Exhibit A:	City of Clayton Code of Ordinances & City Master Plan
Exhibit B:	Zoning Review Application & Denial Letter
Exhibit C:	Application for Appeal
Exhibit D:	Drawings submitted by applicant
Exhibit E:	Staff Report

Chairman Soule asked Mr. Bradley if he had any objection to these exhibits.

Mr. Bradley replied "no".

Chairman Soule indicated that they would be entered into the record.

Mr. Bradley informed the members that they submitted a plan which included the reconstruction of the front foyer that already encroaches into the front yard setback. He stated that the plan was presented to the community and that they received no objection. He stated that they plan to restore the structure to its original 1927 condition. He presented a photograph of the home from that time, referencing a tree that at the time was small, and has since grown to a 150-foot tall tree. He informed the members that in the 1960s, changes were made in an attempt to modernize the home. He stated that they have difficulty keeping rain out of the wood/plywood structure which also has a flat roof, so there is a water problem. He informed the members that they have spoken with all four adjoining neighbors about their proposal and their desire to preserve Claverach Park. Mr. Bradley then indicated that his architect was in attendance.

Chairman Soule asked if the photograph was part of the official record.

Louis Clayton indicated that it could be.

Mr. Bradley asked that it be made part of the record.

Chairman Soule asked that the photo be marked as Applicant's Exhibit 1.

Michael Thomas, project architect, (address: 3900 Shennendoah, 63110) informed the members that the foyer needs to be replaced as it has suffered weathering for about 50 years. He stated that a new brick foyer will keep water out.

Jim Sherby, 47 Crestwood, addressed the Board. He stated that he is a former Subdivision Trustee and as such, became familiar with its indentures. He indicated that he supports the Bradley's proposal as do the current Trustees (referring to Scott Harris). He informed the members that they would not allow the current structure and they applaud its removal. He added that he sees no reason to deny the variance.

Jason Braidwood, 28 Broadview, stated that there's a lot going on in Claverach Park. He added that he is in favor of granting this variance and that he is all about property owners' rights. He thinks that this is a no-brainer; he is in full support of granting this variance.

Chairman Soule asked if any of the members had any questions.

Mary DeBenedetti asked if the French doors are going to be painted.

Mr. Bradley stated that they would like to take off the shutters and paint the house.

Mary DeBenedetti asked what color they would like to paint the house.

Mr. Bradley replied that they have not decided yet, but probably not gray.

Chairman Soule asked if the footprint of the original house feature encroaches 3.25-feet into the front yard setback.

Louis Clayton replied “yes”.

Chairman Soule asked if front entry foyers are common features.

Louis Clayton replied “yes”.

Chairman Soule asked if open, uncovered porches are allowed to encroach into the front yard setback.

Louis Clayton replied “yes”.

Chairman Soule asked if the City believes this to be a minor encroachment.

Louis Clayton replied “yes”.

Chairman Soule asked if granting this variance would result in a significant impact to the safety or welfare of the occupants or the community.

Louis Clayton replied “no”.

Chairman Soule asked if granting this variance would have a negative impact on air or light.

Louis Clayton replied “no”.

Chairman Soule asked about the four alternatives.

Louis Clayton stated that he agrees with the applicant’s assessment.

Mary DeBenedetti asked about the brick.

Louis Clayton stated that formal Architectural Review Board review won’t be necessary for this project; however, administrative architectural review will take place during building permit review, which includes review of the materials.

Chairman Soule asked that Scott Harris’ e-mail supporting the request be marked as Applicant’s Exhibit 2.

Being no further questions or comments, Chairman Soule called for a motion.

Chairman Soule then asked Acting City Attorney Heinz if he had any objection to applicant’s Exhibits 1 or 2 being entered into the record.

Acting City Attorney replied “no”.

Rick Bliss made a motion to grant a 3.25-foot variance from the 50-foot required setback as requested. The motion was seconded by Liza Streett and unanimously approved by the Board.

The variance was granted.

Being no further business for this Board of Adjustment, this meeting adjourned at 5:45 p.m.

Recording Secretary